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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,581	03/27/2000	Rabindranath Dutta	AUS990891US1	3807

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EXAMINER
ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___*THREE*___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on ___10/17/2002___ .

2a) ☒ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12 and 18-28* ___ is/are pending in the application.

    4a) Of the above, claim(s) ___ is/are withdrawn from consideration.

5) ☐ Claim(s) ___ is/are allowed.

6) ☒ Claim(s) *1-12 AND 18-28* ___ is/are rejected.

7) ☐ Claim(s) ___ is/are objected to.

8) ☐ Claims ___ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ___ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on ___ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. ___ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). ___

4) ☐ Interview Summary (PTO-413) Paper No(s). ___

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ___

Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231

DETAILED ACTION

Response to Amendment

1.   This Office action is in response to Applicant's amendment 09/535,581, filed on 10/17/2002.

2.   Claims 1-12 and 18-23 are amended, claims 24-28 are added and claims 13-17 are canceled.

Claim Rejections - 35 USC § 103

3.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-12 and 18-26 are rejected under 35 U.S.C. 103 (a) as being Unpatentable over

Atkinson et al. (U.S. Pat. 5,892,904) in view of Tsuria et al. (U.S. pat. No. 6,466,670).

As per claims 1, 3-6 and 24 Atkinson substantially discloses a certification or signing

method that ensures the authenticity and integrity of a computer program, an executable file, or code

received over a computer network. The method is used by a publisher or distributor to sign an

executable file so it can be transmitted with confidence to a recipient over an open network like the

Internet (which is seen to read as Applicant's claimed invention wherein it is stated that a method for

detecting copyright violation), comprising the following steps:

receiving a selectable data stream of suspected copyright infringing material "or ensuring the

authencity and integrity of a computer program" (see., abstract, col 2, lines 33-67, col 3, lines

13-40, specifically wherein it is stated that this certification of the executable file or code is confirmed

or read at the recipient's computer. The public key for the publisher's signature is obtained by

decoding or decrypting the digital certificate, please note that the process of confirming

or read at the recipient's computer is readable as the step of receiving a selectable data);

generating an electronic signature for said data stream of said suspected copyright infringing material

(see., abstract, col 3, lines 13-24, figs 3 and 4, specifically wherein it is stated that the digital

certificate or electronic signature with the certification agency public key, thereby assuring the

authenticity of the software publisher, please note that the process of generating the digital certificate

is readable as the step of generating an electronic signature);

comparing signatures (see., col 3, lines 20-24, col 6, lines 34-67, col 7, lines 1-67, col 8, lines 1-29, specifically wherein it is stated that the digest is compared to the digest included in the publisher signature. A match or parsing or examine or analyze between the digests confirms the integrity of the code). The steps of displaying or visually examining said suspected copyright and examining data segments matching (see., col 5, lines 58-63, applicant should duly note that the user in col 5, lines 58-63 is capable of browsing documents and displaying the document in a window 68, and therefore, capable of visually examine the documents or materials, and the examination or matching step is disclosed in col 3, lines 13-24, please note that the matching process also includes examining step). **Atkinson** fails to explicitly disclose Applicant's newly added limitations wherein said comparing a first electronic signature being a distillation and a second electronic signature being a distillation , that is incapable of reconstructing said data stream, wherein a match of said of said first electronic signature with said second electronic signature indicates a likelihood that said suspected copyright infringing material (or for each segment).

However, Tsuria discloses an anti-piracy that includes video representation signature for computing a forbidden signature of a forbidden video representation, communication for communicating the forbidden signature to a playing device, and a playing device adapted to receive and play back a recorded video representation. The playback includes a signature comparison that determines whether the computed signature of the recorded video representation matches the signature communicated to the playing device wherein the signature comparison also includes determining that a first signature and a second signature match even (see., abstract, col 3, lines 26-34, col 6, lines 62-67, col 7, lines

1-28). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the authenticity and integrity of a computer program of Atkinson by including the first signature and the second signature taught by **Tsuria** because such modification would prevent the distribution of pirate copies of material which has no legitimate distribution (see., Tsuria, col 2, lines 45-50).

As per claim 2, Atkinson discloses the claimed method of receiving said data stream of suspected copyright infringing material from the Internet (see., col 2, lines 33-67, col 3, lines 13-40, specifically wherein it is stated that this certification of the executable file or code is confirmed or read at the recipient's computer. The public key for the publisher's signature is obtained by decoding or decrypting the digital certificate, Fig 2A).

As per claims 7, 9, 10, 11, 12, 25 and 26 Atkinson substantially discloses a certification or signing method that ensures the authenticity and integrity of a computer program, an executable file, or code received over a computer network. The method is used by a publisher or distributor to sign an executable file so it can be transmitted with confidence to a recipient over an open network like the Internet (which is seen to read as Applicant's claimed invention wherein it is stated that a system for detecting copyright violation), comprising of:

receiving means a selectable data stream of suspected copyright infringing material "or ensuring the authencity and integrity of a computer program" (see., abstract, col 2, lines 33-67, col 3, lines

13-40, specifically wherein it is stated that this certification of the executable file or code is confirmed

or read at the recipient's computer. The public key for the publisher's signature is obtained by

decoding or decrypting the digital certificate, please note that the process of confirming or read at the

recipient's computer is readable as the step of receiving a selectable data);

signature generating means for generating an electronic signature for said data stream of said

suspected copyright infringing material (see., abstract, col 3, lines 13-24, figs 3 and 4, specifically

wherein it is stated that the digital certificate or electronic signature with the certification agency

public key, thereby assuring the authenticity of the software publisher, please note that the process

of generating the digital certificate is readable as the step of generating an electronic signature);

comparing means for comparing signatures (see., col 3, lines 20-24, col 6, lines 34-67, col 7, lines 1-

67, col 8, lines 1-29, specifically wherein it is stated that the digest is compared to the digest included

in the publisher signature. A match or parse or examine or analyze between the digests confirms the

integrity of the code). The steps of displaying or visually examining said suspected copyright and

examining data segments matching (see., col 5, lines 58-63, applicant should duly note that the user

in col 5, lines 58-63 is capable of browsing documents and displaying the document in a window 68,

and therefore, capable of visually examine the documents or materials, and the examination or

matching step is disclosed in col 3, lines 13-24, please note that the matching process also includes

examining step).

Atkinson fails to explicitly disclose Applicant's newly added limitations wherein said comparing a first electronic signature being a distillation and a second electronic signature being a distillation , that is incapable of reconstructing said data stream, wherein a match of said of said first electronic signature with said second electronic signature indicates a likelihood that said suspected copyright infringing material (or for each segment).

However, Tsuria discloses an anti-piracy that includes video representation signature for computing a forbidden signature of a forbidden video representation, communication for communicating the forbidden signature to a playing device, and a playing device adapted to receive and play back a recorded video representation. The playback includes a signature comparison that determines whether the computed signature of the recorded video representation matches the signature communicated to the playing device wherein the signature comparison also includes determining that a first signature and a second signature match even (see., abstract, col 3, lines 26-34, col 6, lines 62-67, col 7, lines 1-28). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the authenticity and integrity of a computer program of Atkinson by including the first signature and the second signature taught by **Tsuria** because such modification would prevent the distribution of pirate copies of material which has no legitimate distribution (see., Tsuria, col 2, lines 45-50).

As per claim 8, **Atkinson** discloses the claimed limitation means for receiving said data stream of suspected copyright infringing material from the Internet (see., col 2, lines 33-67, col 3,

lines 13-40, specifically wherein it is stated that this certification of the executable file or code is

confirmed or read at the recipient's computer. The public key for the publisher's signature is obtained

by decoding or decrypting the digital certificate, Fig 2A).

As per claims 18, 20, 21, 22, 23, Atkinson substantially discloses a certification or signing

method that ensures the authenticity and integrity of a computer program, an executable file, or code

received over a computer network. The method is used by a publisher or distributor to sign an

executable file so it can be transmitted with confidence to a recipient over an open network like the

Internet (which is seen to read as Applicant's claimed invention wherein it is stated that a method for

detecting copyright violation), comprising the following steps:

instructions within said computer readable medium for receiving a selectable data stream of suspected

copyright infringing material "or ensuring the authencity and integrity of a computer program" (see.,

abstract, col 2, lines 33-67, col 3, lines 13-40, specifically wherein it is stated that this certification

of the executable file or code is confirmed or read at the recipient's computer. The public key for the

publisher's signature is obtained by decoding or decrypting the digital certificate, please

note that the process of confirming or read at the recipient's computer is readable as the step of

receiving a selectable data);

instructions within said computer readable medium for generating for generating an electronic

signature for said data stream of said suspected copyright infringing material (see., abstract, col 3,

lines 13-24, figs 3 and 4, specifically wherein it is stated that the digital certificate or electronic

signature with the certification agency public key, thereby assuring the authenticity of the software

publisher, please note that the process of generating the digital certificate is readable as the step of

generating an electronic signature);

instructions within said computer readable medium for comparing means for comparing signatures

(see., col 3, lines 20-24, col 6, lines 34-67, col 7, lines 1-67, col 8, lines 1-29, specifically wherein it

is stated that the digest is compared to the digest included in the publisher signature. A match or parse

or examine or analyze between the digests confirms the integrity of the code). The steps of displaying

or visually examining said suspected copyright and examining data segments matching (see., col 5,

lines 58-63, applicant should duly note that the user in col 5, lines 58-63 is capable of browsing

documents and displaying the document in a window 68, and therefore, capable of visually examine

the documents or materials, and the examination or matching step is disclosed in col 3, lines 13-24,

please note that the matching process also includes examining step).

Atkinson fails to explicitly disclose Applicant's newly added limitations wherein said comparing a first

electronic signature being a distillation and a second electronic signature being a distillation , that is

incapable of reconstructing said data stream, wherein a match of said of said first electronic signature

with said second electronic signature indicates a likelihood that said suspected copyright infringing

material (or for each segment).

However, Tsuria discloses an anti-piracy that includes video representation signature for computing

a forbidden signature of a forbidden video representation, communication for communicating the

forbidden signature to a playing device, and a playing device adapted to receive and play back a

recorded video representation. The playback includes a signature comparison that determines whether the computed signature of the recorded video representation matches the signature communicated to the playing device wherein the signature comparison also includes determining that a first signature and a second signature match even (see., abstract, col 3, lines 26-34, col 6, lines 62-67, col 7, lines 1-28). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the authenticity and integrity of a computer program of Atkinson by including the first signature and the second signature taught by **Tsuria** because such modification would prevent the distribution of pirate copies of material which has no legitimate distribution (see., Tsuria, col 2, lines 45-50).

    As per claim 19, Atkinson discloses the claimed method of receiving said data stream of suspected copyright infringing material from the Internet, and instructions within said computer readable medium (see., col 2, lines 33-67, col 3, lines 13-40, specifically wherein it is stated that this certification of the executable file or code is confirmed or read at the recipient's computer. The public key for the publisher's signature is obtained by decoding or decrypting the digital certificate, Fig 2A).

    5.   Claims 27 and 28 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Atkinson et al. (U.S. pat. No. 5,892,904) in view of Tsuria et al. (U.S. Pat. No. 6,466,670) as applied to claims 1, 5, 7, 9, 10 and 12 above, and further in view of Ammar (U.S. Pat. No. 6,424,728).

As per claim 27, Atkinson and Tsuria disclose the claimed method as stated in claims 1 and 5 above. It is to be noted that Atkinson and Tsuria fail to disclose that matching of said signatures exceeding a predetermined number of occurrences (or signature exceeds a natural range). **However, Ammar** discloses an automatic signature verification that utilizes a main routine for comparing signatures. A dissimilarity measurements give the distance relationship of selected features of target signature. If the dissimilarity measure of the target signature exceeds his natural range, the target signature is judge (see., Ammar, col 1, lines 39-50, col 4, lines 65-67, col 5, lines 1-15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of **Atkinson and Tsuria** by including the automatic signature verification taught by **Ammar** because such modification would provide the required information for comparing two genuine signatures based on a predetermined range.

As per claim 28, Atkinson and Tsuria disclose the claimed limitations as stated in claims 7, 9, 10, and 12 above. It is to be noted that Atkinson and Tsuria fail to disclose that matching of said signatures exceeding a predetermined number of occurrences (or signature exceeds a natural range).

However, Ammar discloses an automatic signature verification that utilizes a main routine for comparing signatures. A dissimilarity measurements give the distance relationship of selected features of target signature. If the dissimilarity measure of the target signature exceeds his natural range, the target signature is judge (see., Ammar, col 1, lines 39-50, col 4, lines 65-67, col 5, lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of **Atkinson and Tsuria** by including the automatic signature verification taught by **Ammar** because such modification would provide the required information for comparing two genuine signatures based on a predetermined range.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-12 and 18-28 have been considered but are moot in view of the new ground(s) of rejection. Necessitated by Amendment.

REMARKS

7.   In response to Applicant arguments, Applicant argues that Atkinson does not teach or suggest :

a. "a method of identifying suspected copyright infringing material and receiving streamed data segments . As specified by the Examiner in the Office action mailed on 7/16/2002, paper #3, this limitation is disclosed by Atkinson in col 2, lines 53-67, specifically wherein it is stated that the publisher digital signature also includes an identifying name of the executable file and a link or hyperlink to a description of the executable file. A publisher digital certificate is attached to the publisher signature. The publisher digital certificate is issued by a certification authority or agency to authenticate the identity of the publisher issuing the publisher signature. Applicant should duly note that this process is to identify the right signature before transmitting the file or copyright material. The

step of receiving streamed data is disclosed in col 2, lines 33-67, col 3, lines 13-40, specifically

wherein it is stated that this certification of the executable file or code is confirmed or read at the

recipient's computer. The public key for the publisher's signature is obtained by decoding or

decrypting the digital certificate, or parsing, please note that the process of confirming or read at the

recipient's computer is readable as the step of receiving a selectable data.

b. " comparing electronic signatures for different data". As specified by the Examiner in the Office

action mailed on 7/16/2002, this limitation is disclosed in col 3, lines 20-24, col 6, lines 34-67, col

7, lines 1-67, col 8, lines 1-29, specifically wherein it is stated that the digest is compared to the digest

included in the publisher signature. A match or a comparison between the digests confirms the

integrity of the code).

c. "Virtually examining". As specified by the Examiner in the Office action mailed on 7/16/2002, this

limitation is disclosed by Atkinson in col 3, lines 20-24, col 6, lines 34-67, col 7, lines 1-67, col 8,

lines 1-29, specifically wherein it is stated that the digest is compared to the digest included in the

publisher signature. A match between the digests confirms the integrity of the code). The steps of

displaying or visually examining said suspected copyright and examining data segments matching

(see., col 5, lines 58-63, applicant should duly note that the user in col 5, lines 58-63 is capable of

browsing documents and displaying the document in a window 68, and therefore, capable of visually

examine the documents or materials, and the examination or matching step is disclosed in col 3, lines

13-24, please note that the matching process also includes examining step).

d. "Parsing said streamed data of suspected copyright material". However, the Examiner respectfully disagrees because this limitation is disclosed by Atkinson in col 3, lines 20-24, col 6, lines 34-67, col 7, lines 1-67, col 8, lines 1-29, specifically wherein it is stated that the digest is compared to the digest included in the publisher signature. A match or parsing or examine or analyze between the digests confirms the integrity of the code). The steps of displaying or visually examining said suspected copyright and examining data segments matching (see., col 5, lines 58-63, applicant should duly note that the user in col 5, lines 58-63 is capable of browsing documents and displaying the document in a window 68, and therefore, capable of visually examine the documents or materials, and the examination or matching step is disclosed in col 3, lines 13-24, please note that the matching process also includes examining step).

e. " a first electronic signature and a second electronic signature or two signatures". However, the Examiner respectfully disagrees because this limitation is disclosed by Tsuria in col 3, lines 26-34, col 6, lines 62-67, col 7, lines 1-28, specifically wherein it is stated that an anti-piracy that includes video representation signature for computing a forbidden signature of a forbidden video representation, communication for communicating the forbidden signature to a playing device, and a playing device adapted to receive and play back a recorded video representation. The playback includes a signature comparison that determines whether the computed signature of the recorded video representation matches the signature communicated to the playing device wherein the signature comparison also includes determining that a first signature and a second signature match even (see., abstract,.

CONCLUSION

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

Any response to this action should be mailed to:

Commissioner of Patents of Trademarks

Art Unit: 3621

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

OR

(703) 305-9724, (for informal or draft communications, pleased label "PROPOSED" or

"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,

Sixth floor (receptionist).

The Official Fax Number For TC-3600 is:

(703) 305-7687

Pierre Eddy Elisca

Patent Examiner

November 12, 2002